

**Alabama Department of Economic and
Community Affairs Workforce Development Division**

**Workforce Investment Act - ARRA
WAIVER REQUEST
Relating To Youth Program
Duration and Youth Performance Measures**

Background

According to Training and Employment Guidance Letter Number 14-08, Section 16, WIA Youth Program, Summer Employment is defined, for purposes of the Recovery Act funds, as the period of time from May 1st to September 30th. "Summer employment" may include any set of allowable WIA Youth services that occur during the above-referenced summer months as long as it includes a work experience component. Work experience is defined under the WIA Regulations at 20 CFR664.460. TEGL No. 14-08, Section 16, WIA Youth Program, Tracking and Reporting, also states that youth ages 18-24 who participate in work experience only beyond the summer months may be excluded from the full set of WIA Youth measures or youth common measures. It further indicates that states may apply for a waiver that would allow states this exclusion and would thus only require the use of the work readiness indicator of performance for out-of-school youth 18 to 24 years old who participate in work experience only beyond the summer months.

A. Statutory or Regulatory Requirements to be Waived

Section 19 of TEGL 14-08, (dated March 18, 2009) issued following the enactment of the American Recovery and Reinvestment Act of 2009 (ARRA 2009) provides that "States may request a waiver of performance measures for out-of-school youth who participate in work experience only. This represents a waiver of the regular WIA reporting mechanisms (WIASRD, annual report, and quarterly report). TEGL Number 24-08, Attachment B, provides the Recovery Act reporting requirements. The timeframe would be extended to March 31, 2009.

B. Specific Waiver Request

In accordance with Section 19 of TEGL 14-08, the State of Alabama requests that local workforce investment areas (LWIAs), which want to continue "Summer Employment" beyond September 30, 2009, be allowed to do so and only be required to use the work readiness indicator as the indicator of performance for out-of-school youth ages 18 to 24 who participate in work experience only beyond the summer months. According to the TEGL No. 14-08, the waiver would be applicable to the first six months following the summer of 2009, e.g., October 1 through March 31, 2010.

C. Justification Goals for Waiver Request

The ARRA of 2009 and the directives from the United States Department of Labor (USDOL) issued in response to the ARRA of 2009 make clear that waivers should be requested to allow

states and LWIAs the maximum flexibility in ensuring that regulatory requirements (of the WIA) do not adversely affect services available for eligible participants of Recovery Act funded programs. It also provides for waiver of youth performance measures, which could adversely affect a state's youth program performance if applied to the Summer Employment program.

LWIAs, with approval of this waiver, will be able to use Recovery Act Youth funds (not utilized during the May 1st through September 30th timeframe) to continue serving (out-of-school) youth who have dropped out of high school and/or aren't receptive to regular WIA funded youth programs. As stated in the previously referenced TEGL, "This waiver will support the intent of Congress to serve 18-24 year olds through work experience in a time of difficult employment opportunities for young people."

D. Actions Taken to Remove State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the proposed waiver.

E. Programmatic Outcomes Expected to be Achieved If the Requests is Granted

It will allow LWIAs to provide work experience to hard-to-serve out-of-school individuals, whose work situations are compounded by the ongoing recession, while not penalizing the State and LWIAs via excessive performance measure requirements, for attempting to serve these individuals.

F. Individuals Impacted by the Waiver

Eligible WIA out-of-school youth will benefit beyond September 30, 2009 in that more eligible youth will acquire work readiness skills; and the ARRA of 2009 funds budgeted will be expended for their intended purpose as desired by the USDOL and the Congress. These skills can provide them with the tools they need to have a chance to acquire non-subsidized employment during a time of high unemployment - particularly among this age group.

G. Process for Monitoring Implementation of the Waiver

Implementation of the waiver will be monitored through reporting requirements set forth in the ARRA of 2009 and USDOL directives. State and LWIA monitors will also review the implementation and results of the Waiver.

H. Opportunity for Public Comment

This Waiver Request has been posted on <http://www.adeca.state.al.us>.